

U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:17-cv-24440-DPG

Price v. The National Security Agency
Assigned to: Judge Darrin P. Gayles
Referred to: Magistrate Judge Alicia M. Otazo-Reyes
Cause: 05:0552 Freedom of Information Act

Date Filed: 12/07/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

James Price

represented by **James Price**
98922-004
Miami FCI
Federal Correctional Institution
Inmate Mail/Parcels
Post Office Box 779800
Miami, FL 33177
PRO SE

V.

Defendant

The National Security Agency

represented by **Carlos Javier Raurell**
United States Attorney's Office
99 NE 4 Street
Miami, FL 33132
305-961-9243
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2017	<u>1</u>	COMPLAINT against The National Security Agency. Filing fees \$ 400.00 No Filing Fee/No I.F.P., filed by James Price. (Attachments: # <u>1</u> Civil Cover Sheet)(vmz) (Entered: 12/07/2017)
12/07/2017	<u>2</u>	Clerks Notice of Judge Assignment to Judge Darrin P. Gayles and Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19, this matter is referred to the Magistrate Judge for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (vmz) (Entered: 12/07/2017)
12/11/2017	<u>3</u>	Clerks Notice re: Filing Fee – Outstanding/Pending. (jmd) (Entered: 12/11/2017)
01/02/2018	<u>4</u>	MOTION for Leave to Proceed in forma pauperis by James Price. (lk) (Entered: 01/03/2018)
01/05/2018		Magistrate Judge Patrick A. White no longer assigned to case; Case is regarding the Freedom of Information Act. (vjk) (Entered: 01/05/2018)
01/31/2018	<u>5</u>	NOTICE by The National Security Agency <i>regarding service of process</i> . Attorney Carlos Javier Raurell added to party The National Security Agency(pty:dft). (Raurell, Carlos)

		(Entered: 01/31/2018)
02/08/2018	<u>6</u>	NOTICE of filing summons by James Price. (vjk) (Entered: 02/08/2018)
02/09/2018	<u>7</u>	ENDORSED ORDER REFERRING CASE to Magistrate Judge Alicia M. Otazo-Reyes pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. Signed by Judge Darrin P. Gayles (hs01) (Entered: 02/09/2018)
02/09/2018	<u>8</u>	ORDER re <u>4</u> MOTION for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 2/9/2018. (kmh) (Entered: 02/09/2018)
03/12/2018	<u>9</u>	MOTION for Leave to Proceed in forma pauperis by James Price. (lk) (Entered: 03/13/2018)
03/12/2018	<u>10</u>	Financial AFFIDAVIT of James Price re <u>9</u> MOTION for Leave to Proceed in forma pauperis by James Price (lk) (Entered: 03/13/2018)
03/14/2018	<u>11</u>	ORDER granting <u>9</u> Motion for Leave to Proceed in forma pauperis. USM Service ordered . Summons provided for issuance by Clerk for USM Service. Re: <u>6</u> Notice (Other) filed by James Price. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 3/13/2018. (sl) (Entered: 03/14/2018)
04/23/2018	<u>12</u>	Summons Issued as to The National Security Agency, (lk) (Entered: 04/23/2018)
04/23/2018	<u>13</u>	CLERK'S NOTICE of compliance and summons package placed in Marshal's Box in FTL re <u>11</u> ORDER granting <u>9</u> Motion for Leave to Proceed in forma pauperis. USM Service ordered . Summons provided for issuance by Clerk for USM Service. Re: <u>6</u> Notice (Other) filed by James Price. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 3/13/2018. (sl) (lk) (Entered: 04/23/2018)
06/11/2018	<u>14</u>	Plaintiff's MOTION to Compel <i>Court's Order</i> re DE <u>11</u> by James Price. Responses due by 6/25/2018 (ebz) (Entered: 06/12/2018)
06/13/2018	<u>15</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint with a 21 day response/answer filing deadline by James Price. The National Security Agency served on 5/16/2018, answer due 6/6/2018. (ebz) (Entered: 06/13/2018)
06/14/2018	<u>16</u>	PAPERLESS ORDER denying as moot <u>14</u> Motion to Compel. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 6/14/2018. (sl) (Entered: 06/14/2018)
06/15/2018	<u>17</u>	NOTICE by The National Security Agency <i>regarding service of process</i> (Raurell, Carlos) (Entered: 06/15/2018)
07/24/2018	<u>18</u>	Summons Issued as to The National Security Agency. (by serving the U.S. Attorney)(ebz) (Entered: 07/25/2018)
07/31/2018	<u>19</u>	Docket entry made in error. (lk) Modified text and restricted image on 8/2/2018 (lk). (Entered: 07/31/2018)
08/02/2018	<u>20</u>	SUMMONS (Affidavit) Returned Executed by James Price. USA/The National Security Agency served on 7/30/2018, answer due 9/20/2018. (lk) (Entered: 08/02/2018)
08/02/2018	<u>21</u>	Clerks Notice of Docket Correction re <u>19</u> Summons Returned Executed. Document Restricted Due to Error; The correct document <u>20</u> has been docketed. (lk) (Entered: 08/02/2018)
08/02/2018	<u>22</u>	MOTION to direct the United States Marshal to execute service on the United States by James Price. Responses due by 8/16/2018 (ebz) (Entered: 08/02/2018)
08/02/2018	<u>23</u>	RESPONSE to Motion re <u>22</u> MOTION for Appointment of Special Process Server filed by The National Security Agency. Replies due by 8/9/2018. (Raurell, Carlos) (Entered: 08/02/2018)
08/28/2018	<u>24</u>	<i>Defendant's</i> ANSWER and Affirmative Defenses to Complaint by The National Security Agency. (Raurell, Carlos) (Entered: 08/28/2018)
08/31/2018	<u>25</u>	PAPERLESS ORDER denying as moot <u>22</u> Motion to Appoint Special Process Server. Signed by Judge Darrin P. Gayles (hs01) (Entered: 08/31/2018)

08/31/2018	<u>26</u>	ENDORSED ORDER REQUIRING JOINT SCHEDULING REPORT AND PROPOSED SCHEDULING ORDER. Pursuant to S.D. Fla. Local Rule 16.1, on or before September 14, 2018 , the parties shall prepare and file a Joint Scheduling Report, as well as Certificates of Interested Parties and Corporate Disclosure Statements. The parties shall also file a Proposed Scheduling Order, adhering to the format and guidance of the attached form. If the parties deviate in any way from that format and guidance, they shall contemporaneously submit a written explanation, which provides their purported justification for each and every deviation. <i>If the parties fail to submit such written explanation, the Court may enter a Scheduling Order that does not take into account the parties' proposed dates.</i> Failure to comply with this Order shall be grounds for dismissal without prejudice and without further notice. Signed by Judge Darrin P. Gayles (hs01) (Entered: 08/31/2018)
09/10/2018	<u>27</u>	Defendant's MOTION for Entry of Briefing Schedule In Lieu of Standard Trial Setting Order and For Protective Order re 26 Order Requiring Joint Scheduling Report,,, by The National Security Agency. (Raurell, Carlos) (Entered: 09/10/2018)
09/11/2018	<u>28</u>	Plaintiff's notice of exhaustion of administrative remedies and MOTION for Sanctions by James Price. (ebz) (Entered: 09/11/2018)
09/11/2018	<u>29</u>	MOTION for Extension of Time to file joint scheduling report and proposed scheduling order by James Price. Responses due by 9/25/2018 (ebz) (Entered: 09/11/2018)
09/11/2018	<u>30</u>	NOTICE OF UNAVAILABILITY by James Price for dates of 9/10–9/11/2018, 9/19/2018, 9/24–9/25/2018, and 10/1/2018 (ebz) (Entered: 09/11/2018)
09/24/2018	<u>31</u>	RESPONSE In Opposition to <u>27</u> Defendant's MOTION for Entry of Briefing Schedule In Lieu of Standard Trial Setting Order and For Protective Order re 26 Order Requiring Joint Scheduling Report,,, by James Price. (cqs) (Entered: 09/24/2018)
09/24/2018	<u>32</u>	NOTICE Of Filing: Memorandum and Proposed Order by James Price re <u>31</u> Response (Other) (cqs) (Entered: 09/24/2018)
09/25/2018	<u>33</u>	RESPONSE in Opposition re <u>28</u> MOTION for Sanctions filed by The National Security Agency. Replies due by 10/2/2018. (Attachments: # <u>1</u> Exhibit Plaintiff's FOIA Request, # <u>2</u> Exhibit NSA's Nov 22, 2017 Response to FOIA Request, # <u>3</u> Exhibit NSA's Nov 27, 2017 Response to FOIA Request)(Raurell, Carlos) (Entered: 09/25/2018)
10/10/2018	<u>34</u>	REPLY to <u>33</u> Response in Opposition to the Notice of Exhaustion of Administrative Remedies, by James Price. (lk) (Entered: 10/11/2018)
10/11/2018	<u>35</u>	PAPERLESS ORDER granting <u>27</u> Defendant's Motion for Entry of Briefing Schedule and for Protective Order. In view of the unique nature of lawsuits brought under FOIA, which are generally resolved through motions for summary judgment, the Court enters the following schedule for briefing summary judgment motions: Motions for Summary Judgment shall be filed on or before January 14, 2019; Responses to Motions for Summary Judgment shall be filed on or before February 14, 2019; Replies in support of Motions for Summary Judgment shall be filed on or before March 8, 2019. Because discovery is generally not available in lawsuits under FOIA before a court has ruled upon a motion for summary judgment, discovery in this action shall be prohibited until further order of the Court. Signed by Judge Darrin P. Gayles (hs01) (Entered: 10/11/2018)
10/11/2018	<u>36</u>	PAPERLESS ORDER denying as moot <u>29</u> Motion for Extension of Time to File Joint Scheduling Report and Proposed Order. Signed by Judge Darrin P. Gayles (hs01) (Entered: 10/11/2018)
10/12/2018		Set/Reset Deadlines/Hearings as per DE 35 : Dispositive Motion (Motion for summary Judgment) due by 1/14/2019. Responses due by 2/14/2019 Replies due by 3/8/2019. (lk) (Entered: 10/12/2018)
10/18/2018	<u>37</u>	ORDER denying <u>28</u> MOTION for Sanctions. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 10/18/2018. <i>See attached document for full details.</i> (kmh) (Entered: 10/18/2018)
01/07/2019	<u>38</u>	Defendant's MOTION to Stay Action Pending Lapse in Appropriations by The National Security Agency. Responses due by 1/22/2019 (Raurell, Carlos) (Entered: 01/07/2019)